

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

Pittsburgh Division

1546

#4

Phyllis A. Johnson

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Pittsburgh Public Schools

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. 2:22-cv-146
(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☒ No

FILED

JAN 25 2022

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA**COMPLAINT FOR EMPLOYMENT DISCRIMINATION****I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Phyllis A. Johnson
Street Address	242 Dinwiddie Street
City and County	Pittsburgh, Allegheny County
State and Zip Code	Pennsylvania, 15219
Telephone Number	(412) 478-6114
E-mail Address	jpi19134@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Pittsburgh Public Schools
Public Education
341 S. Bellefield Avenue
Pittsburgh, Allegheny County
Pennsylvania, 15213
(412) 529-4357
pgh.schools.org

Defendant No. 2

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Defendant No. 3

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Defendant No. 4

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	<u>Pittsburgh Weil Elementary School</u>
Street Address	<u>2250 Centre Avenue</u>
City and County	<u>Pittsburgh, Allegheny County</u>
State and Zip Code	<u>Pennsylvania, 15219</u>
Telephone Number	<u>(412) 529-3840</u>

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☒ Other federal law (specify the federal law):

FEPA (Fair Employment Practice)

☐ Relevant state law (specify, if known):

☐ Relevant city or county law (specify, if known):

III. Statement of Claim (Attached)

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☐ Retaliation.
- ☒ Other acts *(specify)*: Unfair Employment Practices

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

September 2020 - June 2021

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race _____
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☒ age *(year of birth)* 1965 *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

The replacement teacher was never required to perform the duties I was required to do, even though she was a veteran teacher with twenty or more years experience.

III. Statement of Claim

During the 2020-2021 school year, I was the only 3rd Grade Teacher at Pittsburgh Weil Elementary School (Pittsburgh Public Schools). This was a self-contained on-line classroom. I was required to teach all subjects, (Reading, English, Spelling, Handwriting, Math, and Social Studies). There was never an offer to have additional teachers in the classroom to assist with teaching any of these subjects. I then decided to take a leave (FMLA), through December 2020, utilizing Sick Days that I had accumulated throughout my tenure with the school district. I later decided to resign from my position effective January 2021.

Mrs. Paolino, a veteran teacher with 20 years of teaching experience, was assigned to teach my 3rd Grade class. During a conversation I had with her at the end of the school year, she verified that she had not been required to teach all of the subjects mentioned above. She was only required to teach Reading/Language Arts, even though she had taught in a self-contained classroom before, that required her to teach Math, for many years. The teaching arrangement that was made for her included two additional teachers in the classroom, for the entire school year. Ms. Gruber, the K-2 Special Education teacher, taught Math for the year, and Mrs. Burkes, the Science Teacher, taught Social Studies for the year. As I have stated, this arrangement was never discussed, nor was it offered to me, while I was the 3rd Grade Teacher.

P. Johnson

January 24, 2022

*Charges filed with the EEOC are attached.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

September 15, 2021

- B. The Equal Employment Opportunity Commission (check one):

☐ ☒

has not issued a Notice of Right to Sue letter.

issued a Notice of Right to Sue letter, which I received on (date) 10/27/2021.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☒ ☐

60 days or more have elapsed.

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The Court is being asked to order damages totaling \$60,000.⁰⁰
The basis for this amount is derived from loss wages during the period of January-June 2021, loss of sick time pay not compensated for, and the cost of healthcare.

V. Relief

* See previous page for explanation of damages sought.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

1/24/2022

Signature of Plaintiff

Printed Name of Plaintiff

Phyllis A. Johnson
Phyllis A. Johnson

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address